IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 17462 OF 2005

Date: 22.09.2005

BETWEEN:

M/s. Nandapati Rajya Lakshmi Mines,

.... PETITIONER

Vs.

1. The Government of Andhra Pradesh, rep. by its Secretary, Industries and Commerce Department, Secretariat, Hyderabad, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 17462 OF 2005

ORDER:

The petitioner was granted mining lease for Limestone in S.No.480/44-B1, of Konaki Village, Piduguralla Mandal, Guntur District, over an extent of Acs.44.95. The lease was granted on 6.11.2000. However, by proceedings dated 31.12.2003 the lease was determined on the ground of non-compliance of conditions of lease by the petitioner. Aggrieved by the same, the petitioner approached the Government of India by filing revision under Rule 54 of Mineral Concession Rules, 1960 (for short 'the Rules). The said revision petition is still pending. The petitioner alleges that in the meanwhile, respondents 5 and 6 are carrying on mining operations from the area, illegally and in spite of making representations to the authorities, no action was taken. Therefore, the present writ petition is filed seeking a direction to the respondents 1 to 4 to take action against the respondents 5 and 6.

At the stage of admission itself the Assistant Director of Mines and Geology, the third respondent herein filed counter affidavit. In the counter affidavit it is stated as under.

While the matter stood thus the Deputy Director of Mines & Geology, Guntur has issued a show cause Notice dated 3.5.2005 to the petitioner basing on the proposal submitted by the ADM&G, Dachepalli stating that the petitioner is encroached in S.No.532 & 533 of Konanki Village. The said procedure is pending before the authorities. This office has stopped for issuance of dispatch permits. During the enquiry of the representation made by the petitioner on 28.6.2005 reveals that the petitioner entered into sub-lease for two years to the Respondents 5 & 6 by taking Rs.13 lakhs for every year and allowed to extract mineral Limestone and supply to the existing kilns near by the Mining lease from 29.6.2004 without obtaining prior permission from the Department concerned. Since the enquiry is completed, the department is going to take appropriate action in accordance with law. Pending enquiry, the petitioner has approached the Hon'ble High Court.

In view of the statement made by the third respondent in the counter affidavit to the effect that the Department is taking appropriate action in accordance with law, this Court is not inclined to pass any orders in favour of the petitioner. The Writ Petition is dismissed recording the statement made by the third respondent in the counter affidavit.

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(**V.V.S. RAO, J.)**

22nd September, 2005

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